

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE PROVISION OF)
RENEWABLE ENERGY PORTFOLIO STANDARDS)
COMPLIANCE CHARGE TO RETAIL CUSTOMERS) PSC DOCKET NO. 21-0198
IN THE SERVICE TERRITORY OF DELMARVA)
POWER & LIGHT COMPANY)
(FILED MARCH 26, 2021))

ORDER NO. 9773

AND NOW, this 21st day of April 2021, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on March 26, 2021, pursuant to 26 *Del. Admin. C.* § 3008-4.0, Delmarva Power & Light Company (“Delmarva”) filed its annual request (“Application”) for approval to adjust its Renewable Energy Portfolio Standards Act (“REPSA”) compliance charge (“RPS Charge”); and

WHEREAS, Delmarva proposes to increase its RPS Charge from \$0.00.004790/kWh¹ to \$0.006693/kWh for all service classifications, which is an increase of 40%, with an effective date of June 1, 2021; and

WHEREAS, Delmarva’s Application included revised tariff leafs 39 to 47, and 50, as well as an exhibit showing Delmarva’s calculations of the proposed RPS Charge, with supporting workpapers; and

¹ The Commission approved the 2020-2021 rate of \$0.004790/kWh in PSC Docket No. 20-0237, by PSC Order No. 9732 (Jan. 27, 2021).

WHEREAS, under 26 *Del. Admin. C.* § 3008-4.0, the RPS Charge consists of: (1) the cost to acquire the renewable energy credits (“RECs”) and solar renewable energy credits (“SRECs”) necessary to comply with REPSA;² and (2) the cost and/or benefit of the energy from contracts for renewable energy entered into by Delmarva with the Commission’s approval; and

WHEREAS, Commission Staff (“Staff”) recommends that the Commission approve Delmarva’s proposed RPS Charge on a temporary basis for usage on and after June 1, 2021, subject to refund, with interest, pending completion of Staff’s review of the Application and pending publication of public notice of the proposed changes to the RPS Charge;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. Pursuant to 26 *Del. Admin. C.* § 3008-4.0 and 26 *Del. C.* § 306, the Commission hereby approves on a temporary basis, effective with usage on and after June 1, 2021, the proposed RPS Charge of \$0.006693/kWh for all service classifications, as reflected in revised tariff sheets included with Delmarva’s Application. Such rates shall be subject to refund, with interest, if the Commission determines in a final order that such rates are, in whole or in part, unjust or unreasonable or otherwise violate Delaware law.

2. Delmarva shall publish the form of notice, attached as Exhibit “A,” in the following newspapers, by the designated dates, in two-column format outlined in black:

On or before May 11, 2021 - The News Journal;

On or before May 11, 2021 - Delaware State News; and

² The number of RECs required by REPSA is offset by the REC equivalents produced by the qualified fuel cell provider project.

On or before May 11, 2021 - Cape Gazette.

Delmarva shall cause the affidavits of publication of the above notices to be filed in this docket within two weeks of becoming available.

3. Interested persons may file petitions for intervention, written comments, or objections to the proposed rates and tariff changes *on or before June 21, 2021*. If material written comments or objections are filed, or if Staff recommends changes to the proposed rates or tariff revisions temporarily approved by this Order, the Commission will determine, by further Order, the course of any further proceedings. If material written comments or objections are not filed and Staff recommends final approval of the rates and revised tariff leafs, the Commission may enter a final order at a duly-noticed public hearing.

4. Delmarva is hereby notified that it will be charged the costs of this proceeding under 26 *Del. C.* § 114(b)(1).

5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai “Mike” Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson, Secretary

EXHIBIT “A”

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**PUBLIC NOTICE OF CHANGES TO
THE RENEWABLE ENERGY STANDARDS PORTFOLIO RATE FACTORS**

**TO: ALL ELECTRIC CUSTOMERS OF DELMARVA POWER & LIGHT
COMPANY**

On March 26, 2021, Delmarva Power & Light Company (“Delmarva” or the “Company”) filed with the Delaware Public Service Commission (the “Commission”) an application to make changes to its Electric Tariff related to its Renewable Energy Portfolio Standards compliance charge (“RPS Charge”) for all service classifications.

According to the Company’s calculations, the RPS Charge will be \$0.006693/kWh, or an increase of 40%.

On April 21, 2021, in PSC Order No. 9773, the Commission allowed the proposed rates and tariff changes to go into effect, with usage on or after June 1, 2021, on a temporary basis, but subject to refund with interest if the Commission later determines in a final order that such rates and charges are incorrect, unjust, or unreasonable or otherwise violate Delaware law.

If you wish to file written comments or objections to the proposed changes ***you must do so on or before June 21, 2021.*** If you want to formally participate as a party in this matter, with the right to present evidence and be represented by counsel, you must file with the Commission a written petition asking for leave to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (26 Del. Admin. C. § 1001-2.9) ***on or before June 21, 2021.*** All written comments, objections, or petitions for leave to intervene should be filed using DelaFile (<http://delafile.delaware.gov>) or be sent to the Commission's address:

Public Service Commission
861 Silver Lake Blvd.
Cannon Bldg., Suite 100
Dover, DE 19904
Attn: PSC Docket No. 21-0198

Petitions for intervention filed ***after the deadline of June 21, 2021,*** will not be considered except for good cause shown.

You are invited to review Delmarva's filing and supporting documents to determine how your interests may be affected. You may review documents posted on the Commission's website in the DelaFile E-filing system located at <https://delafile.delaware.gov/> using Docket Number 21-0198. If you would like to review documents at the Commission's offices, please contact Donna Nickerson at donna.nickerson@delaware.gov to arrange a time for your review. You may also review copies of Delmarva's filing and supporting documents at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801, or 29 South State Street, Dover, Delaware, 19901.

Please call (302) 577-5077 (Wilmington) or (302) 241-2545 (Dover) to arrange for a time to review the documents at those locations.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. The link to this form can be found on the Commission's website, <https://dep.sc.delaware.gov>, or by visiting this web address: <https://delafile.delaware.gov/Complaints/FOIA.aspx>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 *Del. C. ch.* 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to amy.willey@delaware.gov.